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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,864	09/30/2003	Rahul Gupta	5367-230	6285
7590	10/31/2006			EXAMINER LIN, JAMES
Thomas Langer, Esq. Cohen, Pontani, Lieberman & Pavane Suite 551 Fifth Avenue New York, NY 10176			ART UNIT 1762	PAPER NUMBER

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/674,864	GUPTA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jimmy Lin	1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) 3,5,7,11 and 13-17 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,6,8-10,12 and 18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I, claims 1-2, 4, 6, 8-10, 12, and 18 in the reply filed on 9/25/2006 is acknowledged. The restriction requirement filed 8/31/2006 had indicated that claims 13-14 and 16-17 belonged to both Group I and Group II. However, claims 13-14 and 16-17 only belong to Group II and will be withdrawn from consideration.
2. Claims 3, 5, 7, 11, and 13-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/25/2006.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozin et al. (U.S. Publication 2002/0045030).

Ozin discloses a method of depositing colloidal crystals (abstract), the method comprising:

coating the substrate layer with a pattern layer and pressing a mask (i.e., a cover layer) against the pattern layer;

dipping the structure into a solution containing the material to allow the solution to spread through capillary action to predetermined regions defined by the spacer;

removing the mask ([0021]-[0025]; [0125]-[0126]).

Claim 2: The pattern layer is selectively removed to define the predetermined region [0125].

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 4, 6, 8, 10, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (U.S. Patent 6,830,494) in view of Ozin '030.

Yamazaki teaches a method of making an electroluminescent (EL) device (abstract), wherein pattern layers 145,146 are coated onto a substrate (col. 5, lines 5-17; Fig. 4). The substrate can be made of glass (col. 5, lines 36-40). EL materials such as PPVs can be deposited between the pattern layers (col. 11, line 60-col. 12, lines 2).

Yamazaki does not explicitly teach that pressing a cover layer onto the pattern layer, dipping the substrate to form EL layers through capillary action, and removing the cover layer.

Ozin teaches such methods of using a mask (i.e., a cover layer) to deposit materials through capillary action and removing the mask, as discussed above. Ozin also teaches that materials such as poly-p-phenylenevinylene (PPVs) can be deposited onto glass substrates [0238]. The materials' properties can include electroluminescence [240]. The selection of something based on its known suitability for its intended use has been held to support a *prima facie* case of obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). Therefore, it would have been obvious to one of ordinary skill in the art at

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the time of invention to have formed the EL layer of Yamazaki using the colloidal crystal PPV of Ozin as the particular light emitting layer with a reasonable expectation of success because Ozin teaches that such materials can exhibit electroluminescent properties. In addition, it would have been obvious to one of ordinary skill in the art at the time of invention to have deposited PPV on the glass substrate of Yamazaki via capillary action with a mask with a reasonable expectation of success because Ozin teaches that such methods can be used for depositing PPV onto glass substrates.

Claims 8,12: Yamazaki and Ozin do not explicitly teach removing the mask after each of the EL layers are formed. However, each of the hole injecting/transporting layer, light emitting layer, and electron injecting/transporting layer requires a different material. For example, the hole transporting/injection material can be TPD, DEH, STB, and MTDATA (col. 19, lines 22-29), which are materially different from PPV. Using the same mask to deposit all the materials could contaminate subsequent layers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have used to have used a different mask to deposit the different EL layers. One would have been motivated to do so in order to reduce the chance for contamination of the layers.

Claim 4: Yamazaki teaches that the EL layer can comprise of multiple layers, such as a hole injecting/transporting layer, a light emitting layer, and an electron injecting/transporting layer, but does not explicitly teach that such layers are deposited with a mask through capillary action. However, depositing all the EL layers using the same method for forming the PPV layers would reduce the amount of equipment needed for deposition. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have deposited all the EL layers of Yamazaki via capillary action before removing the mask. One would have been motivated to do so in order to reduce equipment costs.

Claims 6,10: Yamazaki and Ozin do not explicitly teach forming additional layers (i.e., pressing the same mask back onto the pattern layer, depositing via capillary action, and removing the mask) after the mask has been removed. However, Yamazaki teaches that pixels red and green require different types of PPV materials (col. 11, line 60-col. 12, line 2). Thus, the mask must be repositioned between the deposition of the red pixels and the green pixels in order to deposit the red material into the red pixel without depositing into the green pixel, and vice versa.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have formed another stack of EL layers via the capillary action of Ozin after the mask has been removed at least once because Yamazaki teaches that at least the red pixels and the green pixels require different materials. One would have been motivated to do so in order to reposition the mask to only deposit into the desired pixels.

Claim 18: Ozin teaches that the mask is pressed against a pattern layer. Accordingly, the mask forms the upper portion of the pattern layer.

8. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki '494 in view of Ozin '030 as applied to claims 1 and 8 above, and further in view of Lu (U.S. Patent 6,630,785).

Yamazaki and Ozin are discussed above. Yamazaki teaches that the pattern layers formed on the substrate define the pixels (Fig. 4), but does not explicitly teach that the pattern layer can be selectively removed to define the predetermined region.

Lu teaches a method of making EL devices (title), wherein a pixel-defining layer 60 is formed on a substrate (Fig. 1). The pixel-defining layer can be formed in patterns through photolithography (i.e., selectively removing portions of the layer to define a region) (col. 4, lines 22-23). The selection of something based on its known suitability for its intended use has been held to support a *prima facie* case of obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have formed the pattern layers of Yamazaki using the method of Lu with a reasonable expectation of success because Lu teaches that such processes are suitable for making pixel-defining layers in EL devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Lin whose telephone number is 571-272-8902. The examiner can normally be reached on Monday thru Friday 8AM - 5:30PM.

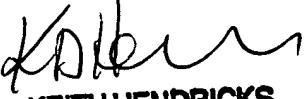
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

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KEITH HENDRICKS  
PRIMARY EXAMINER